

**REVISED MOTION BY SUPERVISOR HOLLY J. MITCHELL**

December 7, 2021

**Enhancing the County's Commitment to Promoting a Diverse and Inclusive Work Environment**

The County of Los Angeles (County) is committed to maintaining a diverse, equitable, inclusive and respectful work environment. This includes the recognition of the need for a County dispute resolution process that acknowledges positional and identity privilege as well as the oppression of historically marginalized groups, including people of color. As an explicit commitment to becoming an anti-racist County, on July 21, 2020, the Board of Supervisors (Board) unanimously passed a motion to establish an Anti-Racist Policy Agenda addressing “generational inequality and systemic anti-Black racism.” The motion calls for foundational, Countywide change in all policies and programs to comprehensively transform outcomes in family stability, physical and mental health, housing, education, employment and economic development, and public safety and criminal justice. The Chief Executive Officer (CEO) instituted a Board-directed priority to eliminate racism and bias in the County and created the Anti-Racism, Diversity, and Inclusion (ARDI) Initiative.

The County's current equity process for employee grievances predates the ARDI Initiative. Adopted by the Board effective July 1, 2011, the County's Policy of Equity (CPOE) is a policy used to maintain professionalism in the workplace as well as protect the right of employees to be free from discrimination, unlawful harassment, retaliation and inappropriate conduct toward others based on a protected status. CPOE complaints occur when there is an

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allegation of inappropriate conduct toward others based on a State or Federal protected characteristic. CPOE complaints can be filed by employees against management or co-workers claiming discrimination, harassment, or inappropriate conduct towards others. Supervisors and managers may also file on behalf of others under the “Duty of all Supervisors and Managers to Report” standard. In the County, the Department of Human Resources (DHR) has long worked to instill a culture of equity across all departments.

The dual public health and economic pandemic brought upon us by COVID-19 has caused us to take a deeper and more deliberate look at how the County can set an example within our own workforce to ensure that equity in every interaction is the norm. We must exemplify how each of our departments commit to and support its respective workforce, so County employees can perform their best work. County leaders are critical to modeling appropriate workplace behavior and creating inclusive and respectful workplace culture. Employees in organizations dedicated to equity will themselves find ways to address the institutional and systemic oppression experienced by marginalized groups. This will enable the County to more equitably reach our hardly served constituents. We aim to espouse the workplace culture we are expecting all organizations to embody.

Using the existing CPOE framework as a guide, we should endeavor to implement a process across all departments that allows employees to be heard, while resolving disputes amongst employees in a cooperative and respectful manner. Many CPOE cases being filed do not rise to the level of an equity complaint under the County’s policy, however, they are typically interpersonal in nature and need to be resolved nonetheless.

Currently, the County Equity Investigations Unit (CEIU) of DHR is responsible for promptly, fully and fairly investigating complaints of conduct that potentially violate the CPOE. The CEIU provides comprehensive investigation reports to the County Equity Oversight Panel (CEOP) for review. Based on its review of complaints, the CEOP makes recommendations to Department Heads concerning the disposition and discipline recommended.

However, the County should endeavor to create a mechanism to timely resolve all workplace grievances, as conflict in the workplace continues to simmer the longer it takes for resolution. We should look at other jurisdictions for best practices and solutions to resolve both workplace grievances and equity concerns. For example, in San Francisco City and County,

investigators must respond within 10 days of receipt to allegations of an equity complaint. Additionally, San Francisco offers peer mediation as an alternative to filing a complaint and as a mechanism for conflict resolution. Research has shown that most people prefer mediation to bringing a formal grievance, and there is evidence to suggest that people who use it tend to be more satisfied with the outcome. This would not only serve to expedite resolutions but would allow the County to respond more quickly to address conflict and help maintain productive working relationships, ~~when possible~~. Finally, the County can look to other large municipal organizations for models of Diversity, Equity and Inclusion policies that are to be implemented Countywide. These Countywide policies should be developed in consultation with the Executive Director of Anti-Racism, Diversity and Inclusion and be implemented throughout each department.

As the largest employer in the region, the County should work to resolve disputes and educate our employees and managers on options for resolving conflict in order to perform our best work. And we must promote diversity, equity, and inclusion throughout the workplace culture in each County department. Equity should always be our guiding principle.

**I THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:**

1. Instruct the Director of the Department of Human Resources (DHR), in collaboration with the Executive Office of the Board of Supervisors, the Executive Director of the County Equity Oversight Panel, the Director of Antiracism, Diversity and Inclusion (ARDI) Initiative and County Counsel to report back to the Board in writing in 120 days with recommendations, including possible updates to the County Policy of Equity (CPOE), as well as a complaint and alternative dispute resolution process, including a proposed framework for enhanced resolution of ~~resolving complaints based on a protected class as well as other~~ workplace disputes. The report back should include recommendations on:
  - a. A dual track approach that allows those experiencing workplace disputes to seek alternate methods of dispute resolution ~~instead of filing a CPOE complaint~~, including options for mediation.

- b. Enhanced education and outreach to County employees on the appropriate complaint process and what rises to the level of an equity complaint, including a potential new process and the differences between a general complaint and the CPOE process and when each should be used.
  - c. Reasonable timelines by which to respond to and resolve complaints.
  - d. A plan to examine the type, frequency and resolution of current CPOE complaints and the strategies departments can use to address workplace culture issues, resolve complaints and report back on action taken to the County Equity Oversight Panel (CEOP). This shall include recommendations on training for managers on appropriate avenues for disputes or grievances in the workplace that do not rise to the level of a CPOE complaint.
  - e. Necessary funding and personnel to support the above referenced recommendations.
2. Delegate authority to the Director of DHR to engage consultant(s), as necessary, to advise on alternative dispute resolutions processes, including CPOE, as well as implement process improvements to expedite complaint resolution. ~~clear the backlog of CPOE complaints.~~
3. Direct the Department of Human Resources to develop a plain language training for all County employees to educate them about options for resolving conflict in the workplace, how to file a complaint, and the potential benefits of requesting mediation to resolve a dispute in the workplace. Within 180 days, begin delivering this training to County staff.
4. Delegate authority to the CEO to hire consultants and direct the Director of ARDI in consultation with DHR and County Counsel, to work with Department Directors and Human Resources Managers to:
  - a. Examine hiring activities including recruiting, interviewing selection, and retention.
  - b. Examine the recruitment and appointment of culturally and ethnically diverse managers and leaders to the extent feasible.

- c. Review a subset of at least ten County job classifications with the highest level of CPOE complaints to ensure required minimum qualifications are truly necessary and appropriate.

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